

## EMPLOYMENT

## § 24. In General

Various House rules and statutes govern the activities and status of persons employed by the House.<sup>(9)</sup> Jurisdiction over the employment of persons by the House is by rule granted to the Committee on House Administration.<sup>(10)</sup>

Those rules setting forth standards of official conduct for the Members<sup>(11)</sup> are also applicable to House employees. Additionally, those who are “principle assistants” to Members and officers are subject to the financial disclosure requirements which the House by rule has established.<sup>(12)</sup>

9. For example, pursuant to Rule XLI, *House Rules and Manual* §937 (1973) no person who is an agent for the prosecution of any claim against the government, or who is interested in such claim other than as an original claimant, may continue as an employee of the House.

The U.S. Code sets forth rules concerning the service of its employees as jurors or witnesses during certain judicial proceedings. 2 USC §130b.

10. Rule XI clause 9(c), *House Rules and Manual* §693 (1973).
11. Rule XLIII clauses 1–5, *House Rules and Manual* §939 (1973).
12. Rule XLIV, *House Rules and Manual* §940 (1973). See 115 CONG. REC. 10040, 91st Cong. 1st Sess., Apr. 23,

Certain categories of employment in the House are established by statute.<sup>(13)</sup> The qualifications of employment applicants are determined by the House officer under whose supervision they will serve, and each officer is authorized to remove or otherwise discipline such employees.<sup>(14)</sup>

Once hired, House employees must be assigned to the positions for which they were appointed.<sup>(15)</sup> Moreover, the practice of dividing House employees’ salaries<sup>(16)</sup> or subletting their duties<sup>(17)</sup> have been prohibited by statute.<sup>(18)</sup>

1969, for the announcement made to the House by the Chairman of the Committee on Standards of Official Conduct concerning the closing date for filing financial disclosure reports with the committee as required by Rule XLIV.

13. For examples of House employee positions created by statute see: 2 USCA §74–2(a)(b), messengers in office of the Speaker; 2 USCA §74a, administrative assistants for the Speaker and Majority and Minority Leaders; 2 USCA §76a, special assistant in the office of the Doorkeeper; and 2 USCA §123b(f), Director and employees for the House Recording Studio.
14. 2 USCA §60–1 (a).
15. 2 USC §85.
16. 2 USC §86.
17. 2 USC §§87, 101.
18. 2 USCA §130d.

Other statutory provisions sanction the withholding from House employees of amounts due them if an indebtedness of an employee to the House remains unsatisfied.<sup>(19)</sup>

## § 25. Creating Positions

### *Temporary Employees*

**§ 25.1 The frequent employment of personnel for brief periods places an undue strain on the accounting procedures of the House; and it is the announced policy of the Committee on House Administration to discourage the temporary employment of personnel for periods of less than a month.**

On Oct. 19, 1966,<sup>(20)</sup> Wayne L. Hays, of Ohio, Chairman of the Committee on House Administration, delivered the following remarks to the House:

Mr. Speaker, I have an announcement which I think will be of general interest to all Members and of special interest to some:

Today the House Committee on Administration passed unanimously a motion ordering and directing the chairman to notify all Members that, as of the 15th of November, any em-

ployee put on a Member's payroll, or a committee payroll, shall not be put on for a period of less than 1 month, except that, if the person put on does not work out and they desire to terminate his employment in less than a month, he may not reappear on the Member's payroll for a period of 6 months.

Mr. Speaker, this is done to prevent what has happened to excess in some committees, and I must say in some Members' offices of having people on the payroll for a day or two at a time.

This has caused an impossible situation in the Clerk's office with regard to writing payroll checks. . . .

### *Assistants to House Officials*

**§ 25.2 Positions for assistants to House officials are created by resolution.**

On Jan. 26, 1960,<sup>(1)</sup> Mr. John W. McCormack, of Massachusetts, presented before the House the following privileged resolution:

#### HOUSE RESOLUTION 429

*Resolved by the House of Representatives*, That, effective February 1, 1960, there shall be paid out of the contingent fund of the House, until otherwise provided by law, compensation for the employment of an Assistant Superintendent in the House Periodical

19. 2 USCA § 89a.

20. 112 CONG. REC. 27653, 89th Cong. 2d Sess.

1. 106 CONG. REC. 1323, 86th Cong. 2d Sess. For further examples of resolutions creating positions for assistants to House officials, see 106 CONG. REC. 408, 86th Cong. 2d Sess., Jan. 13, 1960, and 104 CONG. REC. 9758, 85th Cong. 2d Sess., May 28, 1958.